

**REMARKS**

Applicants submit a Petition and Fee for a Three-Month Extension of Time.

Claims 1-8 and 22-30 are all the claims presently pending in the application. Claims 1-8 have been amended to more particularly define the invention. Claims 22-30 have been added to help ensure that Applicant receives the degree of protection to which his invention entitles him. Claims 9-21, previously withdrawn pursuant to the restriction requirement, are canceled without prejudice or disclaimer.

It is noted that the claim amendments herein or later are not made to distinguish the invention over the prior art or narrow the claims or for any statutory requirements of patentability. Further, Applicant specifically states that no amendment to any claim herein or later should be construed as a disclaimer of any interest in or right to an equivalent of any element or feature of the amended claim.

Claims 1 and 3-8 stand rejected under 35 U.S.C. §102(b) as being anticipated by King, et al. (U.S. Patent No. 5,319,542). Claim 2 stands rejected under 35 U.S.C. §103(a) as being unpatentable over King, et al. These rejections are respectfully traversed in the following discussion.

**I. THE CLAIMED INVENTION**

The claimed invention is directed to a system for ordering items, an application service provider (ASP) system for issuing and receiving orders, a computer program product for issuing and receiving orders, and a system for processing orders.

An exemplary aspect of the present invention, as recited in claim 1, provides a system for ordering items including a server for controlling data communication with a plurality of terminals via a network, a database accessible by the server including a merchandise master which stores information on items offered from dealers to a customer according to an item number unique to each item, and a merchandise assortment (MD) related master which stores a list of traded items among the items stored in the merchandise master agreed upon between the customer and dealer as MD related information according to each purchasing unit of the customer and each dealer who offers the item to the customer, and an ordering request for ordering at least one item submitted to the server from a terminal used by a user who belongs to a purchasing unit, wherein the server includes an item specific order controller for specifying, for each item in the ordering request, a dealer who offers the item based on the MD related information of the purchasing unit to which the user belongs.

In an another aspect, as recited in claim 6, is provided an application service provider (ASP) system for issuing and receiving orders which provides an order issuing and receiving function to a terminal of a user who belongs to a purchasing unit of a customer, and provides an order issuing and receiving function to a terminal of a dealer who offers an item identified by an item number to the customer. The ASP system includes a database storing a merchandise master where information on at least one item is stored, and a server connected to the terminals via a network for extracting and storing data in the database in response to requests at the terminals, wherein the server includes an MD maintenance controller for providing to the dealer terminal a function for maintaining the MD related information which includes a list of items among the items registered in the merchandise master offered to the

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customer pre-determined for the purchasing unit and the dealer, an MD storing controller for storing to the database the MD related information maintained by the dealer as an MD related information master, and a dealer specific controller for providing to the user terminal a function for specifying a dealer who sells the item for each item number when ordering at least one item from the user terminal by referring to the MD related information for the purchasing unit to which the user belongs.

Yet another aspect of the present invention, as recited in claim 8, is directed to a computer program product having a record medium for issuing and receiving orders by using a server of an ordering system, wherein the system comprising a database which stores a merchandise master for storing item related information, and the server for controlling data communication with terminals via a network and performs data extraction from and storing to the database upon request. The program causes the server to manage the MD related information which includes one of the pre-determined items traded between customer and dealer pre-determined for each dealer who sells items to the customer according to a purchasing unit of the customer, when a request of ordering at least one item from a terminal used by a user who belongs to the purchasing unit, identifies for each item number a dealer who offers the item by referring to the MD related information for the purchasing unit.

Another aspect of the invention, as recited in claim 23, provides a system for ordering items including a server for controlling data communication with at least one terminal via a network, a database accessible by the server comprising a merchandise master containing information on each of a plurality of items offered for sale by at least one dealer, and a merchandise assortment (MD) related master containing MD related information associating

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a purchasing unit with at least one dealer for at least one of the plurality of items contained in the merchandise master, an order request for ordering at least one item submitted to the server from one of the at least one terminal by a user belonging to a specified purchasing unit, and an item specific order controller executable on the server for specifying a dealer for each of the at least one item in the ordering request based on MD related information retrieved from the MD related master corresponding to the specified purchasing unit of the user.

A further aspect of the invention, as recited in claim 28, provides a system for processing orders comprising a server which is connected to at least one terminal via a network, a database accessible by the server containing information corresponding to each of a plurality of items offered for sale by at least one dealer, item numbers corresponding to each of the plurality of items, and a plurality of MD related information, wherein each of the plurality of MD related information associates at least one item from the plurality of items with a purchasing unit and a dealer, and a dealer specific controller executable on the server for specifying a dealer for each item number by referring to the MD related information associated with the purchasing unit to which a user belongs.

A still further aspect of the present invention, as recited in claim 30, is directed to a system for processing orders comprising a server connected to a plurality of terminals via a network, a database accessible by the server containing a plurality of item numbers, each of the plurality of item numbers corresponding to an item offered for sale by one of a plurality of dealers, and a plurality of merchandise assortment (MD) related information, each of the plurality of MD related information associating at least one item number with a purchasing unit and one of the plurality of dealers, an ordering request containing at least one item

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number submitted to the server from one of the plurality of terminals by a user who belongs to a specified purchasing unit, and an item specific ordering controller executable on the server for specifying a dealer for each item number in the ordering request based on MD related information retrieved from the database corresponding to the specified purchasing unit of the user.

Conventional techniques for ordering items via the Internet involve a purchaser searching the Internet for web sites constructed by providers and consummating a desired transaction for a good or service through the web site of the provider. Business to business platforms have also been realized that support transactions based on pricing conditions previously agreed upon between the purchaser and provider. (See Application at page 1, lines 31-32 and page 2, lines 1-22)

However, to place orders for various items subject to any previously agreed upon pricing conditions, the customer must place an order with one or more dealers and make particular reference the pricing conditions for each. Thus, the customer is required to have certain knowledge in relation to placing orders and requests. (See Application at page 2, lines 23-28) This becomes especially problematic when the items to be ordered are of low price and many kinds, such as business supplies. In such instances, the total purchase price of the desired items can be exceeded by the management costs necessary for the purchase. (See Application at page 2, line 29-32 and page 3, lines 1-6)

Additionally, the purchaser must know the dealers with which there are pricing conditions for particular items, or else a search must be performed to find dealers offering the desired items at a certain price and whether any pricing conditions exist. (See Application at

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page 4, lines 20-26) Particularly in a corporate setting, keeping employees informed the dealers for specific items and any associated pricing conditions further increases personnel costs. (See Application at page 3, lines 6-12) Moreover, when an organization trades with many dealers, purchase-related costs become large. (See Application at page 4, lines 31-32)

The claimed invention, on the other hand, provides a system including a database containing merchandise assortment (MD) related information associating a purchasing unit with at least one dealer for at least one of a plurality of items contained in a merchandise master and a controller for specifying a dealer for each item in an ordering request based on MD related information retrieved from the database corresponding to the purchasing unit of the user. These features allow the claimed invention to efficiently (e.g. automatically) specify a dealer for each item ordered by a user of a purchasing unit of a customer based on predetermined MD related information for the purchasing unit.

In this manner, a user belonging to a purchasing unit of a customer may order various items based on previously determined purchase standards by merely specifying the desired items to the system and without the need for the user to possess specific knowledge of the dealers or pricing agreements. (See Application at page 5, lines 20-24)

## **II. THE KING ET AL. REFERENCE**

### **A. The 35 U.S.C. § 102(b) Rejection**

The Examiner alleges that the claims 1 and 3-8 are anticipated by the King et al. reference. However, Applicant respectfully submits that the reference does not teach or suggest each and every element of the claimed invention.

King et al. discloses a system for facilitating a user in electronically ordering items from suppliers. (King et al. at Abstract)

However, King et al. does not teach or suggest a database containing merchandise assortment (MD) related information associating a purchasing unit with at least one dealer for each of the plurality of items contained in the merchandise master or a controller for specifying a dealer for each item in an ordering request based on MD related information retrieved from the database corresponding to the purchasing unit of the user, as in the claimed invention.

Rather, King et al. discloses a system consisting of three functionally distinct catalogs: a supplier master catalog, a public catalog, and a private catalog. The supplier master catalog contains the master information for all of the supplier's products and services. From the master catalog, the supplier may create a public catalog to load onto a public database for access by customers. The supplier may further create a private catalog from the master and public databases for loading and maintaining by a customer on a customer's local computer system. (See King et al. at column 3, lines 41-58) The private catalogs are customer-specific and allow the customer to load, access and identify supplier products on their own local computer systems rather than the public catalog. (See King et al. at column 2, lines 43-49)

To order items, the customer searches the catalogs for the items to be purchased, loads pertinent ordering information into an electronic requisition, and sends electronic purchase orders for the items to the suppliers. (See King et al. at column 2, lines 60-64) Thus, in

essence, the user is directly purchasing items from the supplier by way of a customer-specific platform provided to the customer by the supplier.

Additionally, in King et al., since the item is selected from the public or private catalog of the supplier, the user must know the supplier from which a desired item is to be purchased, or perform a search to locate the item and supplier. Moreover, since the orders are limited by supplier, when a variety of items from multiple suppliers are desired, the user must perform multiple searches and place multiple orders for the various items offered by the each of the different suppliers.

In the present invention, on the other hand, a user can submit an order for items to the system, which determines a dealer for each item in the order based on the merchandise assortment (MD) related information corresponding to the purchasing unit of the user. As indicated above, the MD related information associates a purchasing unit with at least one dealer for each of the items. In this manner, since the dealer is specified for each item, the user may select different items from multiple suppliers and make a single group order. Thus, the user may order from multiple dealers without needing to place multiple orders. (See Application at page 11, lines 8-24)

Therefore, “unlike commercial platforms or general web sites, the present embodiment is characteristic in that no selection of a dealer is made by price comparison or condition comparison, and a dealer is specified automatically and forcibly at the time of issuing an order following predetermined rules.” (See Application at page 18, line 29-32 and page 19, line 1) (Emphasis added)



In fact, King et al. actually makes no reference or suggestion to the system specifying a dealer for each item in an order. Rather, in King et al., the user specifies the supplier through the act of selection and purchasing items from the suppliers' catalogs. King et al. certainly does not teach or suggest that the system specifies a dealer based on merchandise assortment (MD) related information associating a purchasing unit and a dealer for each item, as in the claimed invention. As noted above, these features permit a user belonging to a purchasing unit of a customer to order a variety of items based on previously determined purchase standards by merely specifying the desired items to the system and without the need for the user to possess specific knowledge of the dealers.

Therefore, Applicant submits that there are elements of the claimed invention that are not taught or suggest by King et al. Therefore, the Examiner is respectfully requested to withdraw this rejection.

#### **B. The 35 U.S.C. § 103(a) Rejection**

The Examiner further asserts that claim 2 is unpatentable over King et al. However, Applicant respectfully submits that the reference does not teach or suggest each and every element the invention of claim 2.

Claim 2 is directed toward the system of claim 1, wherein the server further includes a deliverer specific controller for specifying a deliverer who, when the ordering request is received from the terminal used by the user in the purchasing unit, delivers an item to the user separately for each item in the ordering request based on the MD related information of the purchasing unit to which the user belongs, and a dealer data outputting controller for

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outputting, to a terminal used by the deliverer, dealer data used for delivering the item to the user from the deliverer specified for the item in the name of the dealer specified for the item.

The Examiner concedes that King et al. does not address delivery of the items being ordered, as recited in claim 2. Rather, the Examiner attempts to make up for the deficiencies of King et al. by asserting that it would have been obvious to one of ordinary skill in the art at the time of invention to modify King et al. to include a deliverer specific controller and a dealer data outputting controller, as recited in claim 2, because, as alleged by the Examiner, arranging for delivery of ordered items well known, and hence obvious.

However, claim 2 provides a system that automatically determines a deliverer for an ordered item based on the MD related information previously established for the purchasing unit and outputs to a terminal used by the deliverer the dealer data to be used for delivery. Thus, while arranging for delivery may indeed be obvious, the system recited in claim 2 performs a far different function using features that are not taught or suggested in the prior art cited by the Examiner.

Further, Applicant respectfully notes that the present Application claims priority to Japanese Application 250878/2000 filed August 22, 2000. Thus, the Examiner has taken official notice that a deliverer specific controller and a dealer data outputting controller, as recited in claim 2, were well-known in the art as of at least August 22, 2000.

Applicant respectfully disagrees with the Examiner's assertion and requests the Examiner to produce authority in support of his contention.

Furthermore, Applicant submits that the combination alleged by the Examiner is improper. Indeed, no person of ordinary skill in the art would have considered incorporating

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a deliverer specific controller and a dealer data outputting controller, as recited in claim 2, into the disclosure of King et al. absent impermissible hindsight.

In fact, Applicant submits that the Examiner can point to no motivation or suggestion in King et al. or otherwise to incorporate a deliverer specific controller and a dealer data outputting controller, as recited in claim 2. Indeed, the reference does not teach or suggest the combination.

Therefore, Applicant respectfully submits that one of ordinary skill in the art would not have been so motivated to incorporate a deliverer specific controller and a dealer data outputting controller, as recited in claim 2, into the teachings of King et al., as alleged by the Examiner. Therefore, the Examiner has failed to make a prima facie case of obviousness.

Notwithstanding, the Examiner's assertion that a deliverer specific controller and a dealer data outputting controller are well-known does not make up for the deficiencies of King et al. described above directed toward a database containing merchandise assortment (MD) related information associating a purchasing unit with at least one dealer for each of the plurality of items contained in the merchandise master or a controller for specifying a dealer for each item in an ordering request based on MD related information retrieved from the database corresponding to the purchasing unit of the user, as recited in claim 2.

Therefore, Applicant submits that there are elements of claim 2 that are not taught or suggest by King et al. Therefore, the Examiner is respectfully requested to withdraw this rejection.

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### III. CONCLUSION

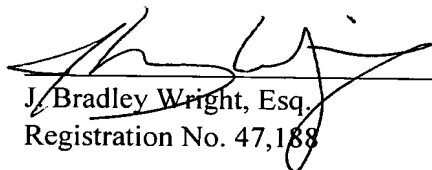
In view of the foregoing, Applicant submits that claims 1-8 and 22-30, all the claims presently being examined in the application, are patentably distinct over the prior art of record and are allowable, and that the application is in condition for allowance. Such action would be appreciated.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned attorney at the local telephone number listed below to discuss any other changes deemed necessary for allowance in a telephonic or personal interview.

The Commissioner is authorized to charge any deficiency in fees, including extension of time fees, or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,

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